



ADMINISTRATION FOR CHILDREN'S SERVICES

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December 19, 2000

ACS IMPLEMENTATION OF THE ADOPTION AND SAFE FAMILIES ACT

**Part III – ACS BEST PRACTICE GUIDELINES FOR
FAMILY VISITING ARRANGEMENTS FOR CHILDREN IN FOSTER CARE**

I. Introduction

Congress passed the Adoption and Safe Families Act (ASFA) in 1997 to expedite the process by which children in foster care are either reunited with their families or find other permanent, stable homes.

In order to meet ASFA's accelerated time frames for making permanency decisions, it is critical that children maintain frequent contact with their family when it is safe for them to do so. Frequent and ongoing contact with family members reduces the trauma of removal for children, improves their adjustment to placement, and helps expedite permanency, regardless of whether the goal is reunification, adoption, independent living, or adult custodial care.

For children who will be reunited with their parents, frequent and consistent parent-child contact supports reunification by preserving parents' emotional attachment to their children and by allowing parents to share in the day-to-day responsibility of parenting their children in care. When visiting is expanded to include "shared parenting" responsibilities such as accompanying the foster parent to medical and school appointments, or assisting in supervising the child's homework or meal preparation, it offers parents a realistic sense of what will be involved in caring for their child after their discharge from care.

For other children, frequent parent-child contact may help reveal, early on, cases where reunification may not be the appropriate permanency goal. When a parent expresses little interest in shouldering some of the responsibilities involved in the daily care of his or her child and consistently disappoints a child by failing to participate in visits, this may be an important signal that the child's permanency goal should be changed.

As ASFA makes clear, the child's health and safety must be our "paramount concern" in scheduling or expanding visits. But for the many cases where child safety is not an issue, these Guidelines set forth a framework for expanding and intensifying parent-child contacts in order to expedite the permanency process.

II. Best Practice Guidelines for Family Visiting Arrangements for Children in Foster Care

From the time of removal throughout placement and up to the achievement of a permanency outcome (and even after), contact between children and their family members is critical. Although safety and protection are always paramount concerns, it is also critical to continue the child's existing relationships and to maintain family ties. For all children in foster care, the importance of contact between children and their parents and other family members should not be underestimated, and should be facilitated, as appropriate, in a manner which is timely, frequent, and of high quality.

The ACS Guidelines outlined here address the various and complex aspects of visiting with the aim of offering **clarity** and **guidance** in this area. Case-specific decisions concerning a child's visiting plan should be consistent with the ACS guidelines detailed below. Note that while this document makes reference to the role of foster parents in facilitating and supporting visiting, these guidelines also apply to child care workers employed in congregate care settings.

Parent-Child Contact Immediately Following Removal

The moment of a child's removal from his/her family is a traumatic event, often involving urgent efforts on the part of casework staff to gather information, contact relevant parties, and clarify the reasons for removal to both the child and the parents. At this time, the need for children to see their parents can be lost in the mix of other important and pressing concerns. However, the importance of discussing and scheduling parent-child contact immediately after removal should not be overlooked. Timely parent-child contact can serve to: (1) provide continuity and reassurance for children, (2) send a vital message of responsibility to the parent, while supporting him/her to immediately begin to address the reasons for their child's removal, and (3) allow for a casework assessment of the likelihood of reunification to begin as soon as possible.

For the above reasons, visiting plans and arrangements should be discussed and put into place and/ or revised at both the 72-Hour Child Safety Conferences and 30-Day Family Permanency Conferences (ACS Family Team Conferences). Parent-child contact should be arranged as soon as possible, with the level of supervision deemed necessary and appropriate given the circumstances of the case and the relationship between the child and the parent, or as directed by court order. Reasons for and purposes of supervision should be clearly identified.

Sibling Contact

Recognizing the importance of the sibling relationship and consistent with the Family Court Act, the Social Services Law and OCFS regulations (18 NYCRR 431.10), ACS requires that all siblings and half siblings be placed together whenever possible unless placement together would be detrimental to the child's best interests. In the event it is not possible to place siblings together in the same foster boarding home or agency boarding home on an emergency basis, they must be reunited within 30 days.

When siblings are placed separately, foster care agencies are required to exercise diligent efforts to facilitate bi-weekly face-to-face contact between siblings and half siblings, unless it would be harmful to their health or safety or unless geographic proximity precludes visiting. Additionally, regular telephone contact and other forms of correspondence should be arranged between visits. When in the best interests of all children involved, every effort should be made to coordinate parent-child visits so as to include the entire sibling group and the parent.

OCFS regulations also require that siblings and half siblings who are freed for adoption be placed together in a pre-adoptive home, unless placement together is contraindicated to one or more of the children. It is strongly recommended that visiting among siblings continue after the final adoption of one or more of the sibling group, and cooperation among the adoptive parents should be encouraged.

The importance of sibling visits for older children and youth in care should not be overlooked or underestimated. This includes facilitating visits and regular sibling contact for youth with permanency goals of Independent Living.

Responsibility for Visits

It is always the foster care agency's responsibility to arrange and facilitate visits and other forms of contact between the child and parents, and among separated siblings. This responsibility applies to both planning and non-planning agencies. Although foster parents can escort children to visits, or host visits in their homes, and actively participate in visit arrangements, the ultimate responsibility for ensuring that visits take place lies with the agency, itself. In most situations parent-child and sibling contact as soon as possible after removal is in the child's best interest. If upon removal from the home, a child is *not* placed in a foster care facility or in a Department of Mental Hygiene facility and there is no specific foster care agency responsibility for the child (e.g., the child is placed in a hospital), it is DCP's responsibility to arrange/ facilitate visits and other forms of contact. Facilitating parent-child and sibling contact includes not only arranging face-to-face visits, but also arranging regular phone contact and other forms of correspondence between visits.

Quality of Visits

The quality of the interaction and relationship between a child and his/her parent post-removal will depend in part on the circumstances surrounding their time together. Decision-making about visit circumstances should always be guided by what is in the child's best-interest and what is specified in any existing court orders. Visit arrangements should take into account factors such as the child's age and developmental level, the circumstances of placement, the child's previous relationship with the parent, and the parent's concern for and commitment to the child, the parent's

level of cooperation with the service plan, and level of personal responsibility/ accountability towards the reasons for placement. The lowest level of supervision which safeguards the well-being of the child should always be chosen in order to allow the parent to resume/ assume the maximum amount of parenting responsibility possible. [See “ACS Guidelines for Decision-Making Concerning Supervised Parent-Child Visiting,” page 10.]

- Scheduling:

Visit arrangements should take into consideration the schedules and circumstances of all those involved, including the parent, the child, and the foster parent. For example, in scheduling visits, caseworkers should factor in other obligations the parent may have in complying with the service plan (such as participating in a drug treatment program, attending medical appointments, job search, income maintenance appointments, etc.). Case planners should also be mindful of the schedules and commitments of youth in care (such as school attendance, after-school activities, etc.), as well as the fact that many foster parents have full-time jobs. Travel distance and cost, and safety considerations (such as in cases involving domestic violence), as well as cultural, religious, and language issues should all be considered when scheduling visits.

- Frequency and Length:

Current OFCS regulations require that children with goals of “return to parent” visit their parents at least once every two weeks, but it is expected and recommended that more frequent contact be arranged and facilitated. Whenever possible and in the best interests of the child, it is recommended that: visits occur on a weekly basis; visit length be at least two hours; visits occur in sites identified by participating parties as comfortable, supportive, and convenient.

- Activities and Location:

When the goal is reunification, child-parent visits should serve as preparation for reunification, allowing parents to resume as much parental responsibility as possible and safe for the child. With this in mind, and whenever possible, visits should be integrated into the already scheduled activities of children, and activities with which the parent will be involved post-reunification. This type of visiting arrangement maximizes the naturalness of “visits” for children and parents, (re)integrates the parent into the child’s life, supports the continuation of the visit activities post-reunification, and eases the burden on foster parents to make special scheduling arrangements for visits.

Suggested activities for child-parent visits: school plays and after-school programs, parent-teacher conferences, medical/ dental appointments, shopping, hair cuts/ appointments, birthday celebrations, school trips, supervising homework, preparing meals in the foster parent’s or parent’s home, local community events, sports and games.

Suggested locations for visits: local public libraries, parks, recreational centers, community and youth centers, foster parent’s home, parent’s home, local churches or other places of worship, and facilities of other service providers (such as drug treatment programs), if appropriate space is available. Agencies should develop a listing of local resources available

for parents and children, with consideration of suggestions from parents, children, and foster parents.

- Preparation

For both children and parents, preparation before visits is critical throughout the life of a case, and particularly immediately after removal. It is also important to prepare foster parents for visits, as this will help them to support children after visits and additionally, help them to understand the meaning of children's post-visit reactions.

Prior to visits, children, parents, and foster parents should all be provided with information regarding: (1) each party's rights and responsibilities regarding visits; (2) the circumstances of the visit (where, when, for how long, who will be there); (3) what is planned for the end of the visit (for example, children should not expect that they will go home with the parent-- unless this is actually the case), and (4) when the next visit will be.

Agency case planners (or other qualified staff and foster parents) should meet with the parent prior to the first visit and subsequent visits as necessary to convey the importance of visits, explain the visit circumstances, help the parent prepare visit activities and, address any questions or anxiety the parent may have. "Visiting" between a parent and his/her child may feel awkward and unnatural, and case planners should not assume that parents will automatically understand the importance of visits and know how to make the most of them. Parents should be helped prior to visits to understand the importance of visiting, both for the child's emotional health and the achievement of the goal of reunification.

Preparing the parent for visits should also include helping the parent to understand a child's sense of time and need for attachment. Particularly in the cases involving younger children, case planners (and others) can help the parent understand that the longer their children stay in foster care, the greater the children's attachment may become to the substitute caregiver. Although the parent may always see the child as their child, the child may come to see another caretaker/ provider as their parent (Beyer, 1999, p.8). This information should not be conveyed in a threatening way, but in a way that emphasizes, motivates, and supports a parent to visit frequently and progress in complying with the service plan. Supporting parents to visit with their children also includes scheduling visits at times and places that are reasonable for the parent.

Children also need to be prepared for visits with their parents. Children's own feelings about the visit and their placement in foster care, in general, should be explored carefully (ideally by a mental health professional). Visits should be arranged so as to minimize children's anxiety, maximize safety, and support the maintenance of the parent-child bond. See the attached article, "Parent-Child Visits as an Opportunity for Change" [Beyer, 1999], for examples of ways to empower children, while also supporting parents, so that visits both preserve safety and address children's attachment and developmental needs.

- Debriefing/ Processing

Debriefing/ processing after the visit can be equally as important as preparation before a visit. Particularly towards the beginning of a case when all parties-- parent, foster parent, case planner-- are becoming familiar with one another, debriefing/ processing after visits can

help build the communication, trust, and understanding vital to the safe and timely achievement of the permanency outcome that is in the child's best interest. "Processing" visits with children (in age and developmentally appropriate ways, either verbally or through play, art, and other activities) often serves to greatly reduce negative behavioral reactions sometimes seen in children. Reducing these reactions will in turn make it easier for foster parents to support children in spending time with their parents.

Processing with the parent includes helping him/ her to understand the needs of the child, and providing him/ her with guidance and information about effective parenting techniques for addressing these needs. Processing the visit with foster parents is also important, especially in helping them to understand and handle children's reactions to visits.

Ideally, processing should occur directly after the visit. When this is not feasible, a follow-up phone call (or face-to-face contact) should be made with the various visiting participants as close to the time of the visit as possible. Effective processing after each visit also serves as preparation for the next visit. This is particularly true for parents, for whom each visit represents an opportunity to practice better parenting and strengthen the parent-child relationship.

- Interpreting Children's Reactions to Visits

An important part of post-visit processing for the case planner, the foster parent, and for the parent as well, is interpreting and understanding the child's reaction after the visit. Children's reactions to visits are often misunderstood. When children exhibit regressive behavior, "act out" or demonstrate other negative behaviors, the parent is often blamed as being an "unfit", "ineffective", or even harmful parent. Adults often respond to children's visit reactions by moving to limit, suspend, or even terminate visits. This can be very harmful to children whose seemingly negative reactions to visits may be caused by their attachment to the parent and may actually be the child's way of expressing the desire to spend more time, not less, with the parent. For this reason, case planners and foster parents should carefully explore the nature of children's reactions to visits and in many cases, may want to increase a child's contact with the parent (through phone calls, letters, having a photo of the parent, finding out more from the parent about what the child likes, eats, wears, etc.) before limiting a child's time with the parent.

Although a child's safety is always of paramount concern, interpretations of children's negative visit reactions must also take into account the nature of attachment and separation, and the fact that children will act out their feelings of loss, sadness, and disrupted attachments, all of which may subside with increased contact with their parent. It is always advisable to seek professional guidance (from a qualified mental health expert) before making any decisions to limit or terminate visits solely based on the child's reactions.

- Interpreting Parents' Reactions to Visits

When interpreting parents' reactions to visits, it is important for case planners and foster parents to place these "visits" in the context of foster care and remember that: (1) having a child removed from the home is a traumatic event, even when the removal is a result of the parent's own behavior; (2) "visiting" can be an initially uncomfortable way for parents and

children to spend time together; and, (3) parents' own feelings (which may include guilt, confusion, sadness, anger, helplessness, and despair) about their child's placement may manifest themselves in different ways before, during, and after visits.

Parents often feel enormous pressure surrounding visits. Many parents realize that interpretations of the nature of their interaction with their children during visits will heavily inform casework decisions about whether reunification is in the child's best interest. The pressure to have the visits "go well" can increase when the visits are supervised in a manner that leaves the parent feeling judged, rather than supported by the visit supervisor. When visits end with sadness on the part of the child and/ or difficulties in separating from the parent, parents themselves may be so disturbed by their children's emotional reactions that they decide the visits are not good for the children. In these cases, case planners should help parents understand their children's reactions, including providing information about attachment and separation, the importance of continuous parent-child contact, and the fact that children's negative reactions at the end of visits often subside over time when regular contact is maintained.

For all of the above reasons, communicating with the parent before, during (as appropriate), and after visits is critical to ensuring that the visits go well and that the visit plan responds to the needs of the children, the parents, and the achievement of the chosen permanency goal. When parents feel supported by the case planner and foster parent, they are more likely to ask questions about parenting techniques, feel more comfortable during visits, and communicate more openly. When parents feel judged, this can increase the awkwardness of the visits and inhibit the parent's ability to resume parental responsibility for the child and address the reasons for placement.

In all cases, if a parent does or says anything before, during, or after a visit that appears to place the child in danger, acts inappropriately, or violates agency rules, this should be addressed immediately.

Progression of a Visiting Plan

Best case practice dictates that a child's visiting plan will progress and evolve according to and in conjunction with the parent's compliance with the individualized service plan and as deemed beneficial to the child's well-being, health, and safety. When reunification is the permanency goal, it is understood that visit frequency and length will increase over time, with the level of any supervision deemed necessary decreasing over time as consistent with the safety of the child. In general, a visiting plan should evolve from weekly to more frequent visits of greater length, to overnight and weekend visits, leading to trial and then final discharge.

Although the variation in case circumstance renders it difficult to set forth specific timeframes for the progression described above, it is expected that visiting plans will be evaluated regularly and should have significantly progressed during the six months between service plan reviews. If a child's visiting plan has **not** progressed over a 6 month period, the reasons justifying the lack of change must be clearly documented in the case record. *At a minimum*, the visiting plan and level of supervision should be reviewed at all Family Team Conferences (including ACS 72-Hour Child Safety Conferences and 30-Day Family Permanency Conferences), service plan reviews, dispositional and permanency hearings, and at any other court dates. Court orders pertaining to visiting can only be modified in court.

When considering a change in visiting plan, case planners should arrange to be present at all or part of a visit to assess case circumstances and progress, in order to ensure that the proposed change in visiting plan is appropriate. Also, as a general rule, children should not be trial or final discharged without first having experienced successful overnight and weekend visits with the parent over a period of time. In cases where there is a court order for an immediate discharge, the court order must be obeyed and implemented accordingly, regardless of whether or not there have been prior overnight and/or weekend visits.

Decision-making and Authority over Changes in a Visiting Plan

There is often confusion and misunderstanding over who has the authority to implement changes in a child's visiting plan. It is vital that all those involved in these decisions understand how visiting plans may evolve in order that reunification not be delayed unnecessarily. The attached chart describes who has authority over specific decisions regarding visit plans, and details the decision-making process.

- **Increasing the Frequency of Parent-Child Visits**

If there is a **court order** concerning the frequency of visits, and the agency would like to increase the visit frequency, it can do so without returning to court so long as the language of the court order does not limit the frequency of the visits. **Or**, the agency can return to court to request that the court order be modified so that the more frequent visits can occur.

If the previous court order also specified a particular level of supervision, the court modification should also address the issue of supervision (for example, the modification can include a change to monitored or unsupervised visits, or supervision at the agency's discretion, or another appropriate plan). Additional information on modifying court orders for supervised visiting is provided on pages 11-12.

In pre-disposition Article 10 cases, the agency must notify the ACS attorney prior to returning to court. In all cases, agencies must submit to the case manager a plan amendment form CS-853C prior to the court date and a copy of the Court Action Summary after the court date. A copy of the Court Action Summary must also be sent to the case planner.

If there is **no court order** for supervision on a case nor other court specifications regarding visit arrangements, and the agency would like to increase the visit frequency or move to unsupervised visits, it can do so without returning to court provided that any existing court orders are complied with. The authority to increase visit frequency or have unsupervised visits lies with the planning agency, and must be approved by agency staff at least one level above the case planner. Approval to move to overnight and weekend visits must be granted by agency staff two levels above the case planner. In pre-disposition Article 10 cases, the agency must notify the ACS attorney prior to returning to court. In all cases, this change must be documented in the Uniform Case Record (UCR).

- Decreasing the Level of Supervision

When there is a **court order** regarding the level of visit supervision, agencies wanting to decrease the level of supervision should contact their agency attorney to return to court to modify the order. In pre-disposition Article 10 cases, the ACS attorney must also be contacted prior to returning to court. In all cases, a CS-853C must be submitted to the case manager as notification, as well as a copy of the Court Action Summary. A copy of the Court Action Summary must also be sent to the case planner. Changes to the visit plan must be documented in the Court Involvement and (Re)Assessment sections of the UCR.

When there is **no court order** regarding the level of visit supervision, agencies have the authority to decrease the level of supervision on a case, including moving to unsupervised visits, provided that this decision has been approved by an agency staff person two levels above the case planner. In pre-disposition Article 10 cases, advance notification to the ACS attorney is required. The change in visiting plan should be documented in the UCR.

- Decreasing the Frequency, Limiting, Suspending or Terminating Parent-Child Visits

In cases **with or without court orders** pertaining to visit arrangements, the decision to decrease, limit, suspend, or terminate parent-child visits lies with the court. For all children in foster care whose parents' rights have not been terminated, the decision to limit visits to less than the minimum requirement for visiting requires either court approval or written parental consent (which must then be included in the case record). Note that this applies to children with goals of adoption who have not yet been legally freed.

In emergency situations when the agency believes that a visit will place the child in imminent danger, the individual visit may be suspended or controlled. If the agency feels that parent-child visits in general pose a threat to the child's well-being, and that as a result the visits should be limited or terminated, agencies must contact their agency attorney immediately and return to court to change the visiting plan. On the same day as the decision to limit the visit plan is made, agencies must send a CS-853C to the case manager (ACS Foster Care Standards, p. 41). In all cases, ACS attorneys must be notified in advance of the decision to limit the visit plan. Once the agency has returned to court, the Court Action Summary must be sent to both the case manager and the case planner.

If there is **no court order**, written parental consent to limit the visits may be sought, and would allow the agency to limit the visit arrangement without returning to court. If the written consent applies only to a specified timeframe, this agreement is only valid between these dates. When the agreement expires, the agency must either resume the minimum requirements for visits, pursue a court order, or have the parent sign another consent agreement. The parent's written consent must be included in the UCR, and a CS-853C must be sent to the case manager as notification.

Any change made in the visiting plan must be documented in the (Re) Assessment section of the next UCR that is due. If a planning agency goes to court for an order to change a child's visiting plan, this must be documented in the "Court Involvement" section of that UCR.

- Permanency Goal Changes from Reunification (01) to Adoption (04):

Unless the Court has ordered otherwise, parents of children whose permanency goal has been changed from reunification to adoption maintain the right to visit with their children until their parental rights have been terminated, i.e., the children are legally freed. A goal change to adoption does not in and of itself change the visiting plan. If an agency feels that parent-child visits are no longer in the child's best interest and wishes to limit, suspend, or terminate visits between the child and the parent at the time of goal change, the agency must follow the steps outlined above for limiting the visit plan. Without a court order or the parent's written consent, parents retain the right to visit with their children until the TPR is finalized, i.e., the children are legally freed.

Child Contact with non-Resource Parents, Relatives, and Other Significant Parties

In addition to facilitating parent-child contact, case planners should keep in mind that there may be other significant relatives (or others) in the lives of children with whom contact should be facilitated. These people can and should be considered as resources for the case planner—they can help lessen the trauma of removal and placement for children, help to provide support for the parent in complying with the service plan, and may be able to provide respite for or help to the foster parent by assisting with transportation, taking the children to appointments, hosting parent-child visits, or participating in activities with the children. Particularly for older children and youth in care, relationships with those who they identify as important to them should be explored and, when deemed safe and appropriate, visiting and other contact arrangements should be facilitated and supported.

Child Contact with Foster Parents Post-Reunification

Children in foster care may develop strong attachments to the foster parents and/ or others who care for them during their placement in foster care. Although ACS and planning agencies do not have authority over a child after final discharge, case planners can work with parents as their children near final discharge to help them understand their child's need for continuity of relationships. Depending on the circumstances, parents should be encouraged to consider ways to allow their children to maintain a relationship with their child's primary caretaker during the stay in foster care. Although this may be difficult for some parents, the focus should always be on what is best for the child.

Children with Goals Other than Reunification

For children whose goal is adoption, independent living, or another permanent living arrangement, a careful individualized assessment should be made before moving to terminate parent-child visits. Unless such visits pose safety or health risks to the child/ youth, visiting with parents and other family members often remains vital to his/her well-being, sense of continuity and connectedness, and can help to provide a sense of reassurance to children/ youth at a time of transition. Contact (including visits, phone calls, and letters) with parents, siblings, relatives, and others identified by the child/ youth in care, should be facilitated as required and appropriate.

III. ACS Guidelines for Decision-Making Concerning Supervised Parent-Child Visiting

In developing a child's visiting plan, one of the critical decisions that must be made concerns the issue of supervision. In many cases, this decision will be made by the court. In others, it will be left up to the discretion of the planning agency and/ or ACS. ACS has developed the principles and guidelines outlined below in order to clarify and offer guidance on case-specific decisions in this area. These principles and guidelines are effective immediately.

Principles Concerning the Application of Supervision

The ACS principles outlined below should be applied as general rules, consistent with best casework practice and individualized case assessment. Case managers will apply these principles, and the guidelines that follow, as they review visiting plans. Additionally, since Family Court judges often play an important role in determining visiting practice on individual cases, ACS attorneys and case planning staff will refer to these principles and guidelines concerning the appropriate levels of supervision at supervised visits prior to and at the time of court hearings.

1. Decisions concerning the appropriate and necessary level of supervision should start from the premise that family and sibling visits are important to the healthy growth and development, and in the best interests of **all children** in foster care. Family and sibling visits should be facilitated regularly and **at the least** in accordance with ACS minimal requirements. Decisions concerning supervised visiting should be consistent with the best practices outlined above and clearly documented in the case record. Any decision to limit a child's visit plan requires court approval (or written parental consent) and should be clearly documented in the case record.
2. Consistent with the Guidelines listed below, visits should be unsupervised if there is no reason for supervised visiting on a particular case and, when supervision is necessary, should be supervised at the lowest level of supervision consistent with the reasons for supervision. When there is no court order for supervised visiting, and none of the reasons justifying supervision listed below exist, it is expected that unsupervised visiting will be the rule unless circumstances justifying the need for supervision are distinctly identified in the case record.
3. If the goal for the child is reunification and one of the reasons for supervised visiting listed below exists, there should be a timely progression from a higher level of supervision to a lower level of supervision, and from supervised to unsupervised visits, consistent with the case situation.
4. If there is a court order directing supervised visits with specific directions concerning the level of supervision, case planning staff must follow the court's directions, using the Guidelines listed below to define the meaning of the court's chosen level of supervision.
5. If there is a court order that directs supervised visiting without specific directions concerning the level of supervision, it is up to the planning agency to determine the appropriate level of supervision that should be applied.
6. In appropriate cases, ACS attorneys, in consultation with case planning staff, will ask family court judges to include language in supervised visiting orders that will give the planning agency, with ACS input as appropriate, the discretion to move to a lower level of supervision and/ or to permit unsupervised visiting, at a future date without returning to court to do so. Such requests will help to ensure that children's visit plans evolve according to a timeline based on case

circumstances and best interest determinations, rather than according to scheduled or available court dates.

7. If there is a court order containing conditions that the agency believes are no longer appropriate, the agency attorney must be informed as soon as possible so that motions to modify the court order can be made in appropriate cases. In pre-disposition Article 10 cases, the ACS attorney must also be notified prior to returning to court. In all cases, a CS-853C must be sent to the case manager as notification. Agency case planning staff should present their attorneys with a clearly developed recommendation for modifying the court ordered visiting plan and be able to justify the recommendation with up-to-date case information.

The question of whether orders relating to supervised visiting should continue or whether a request for modification should be made should be reviewed on an ongoing basis, but no less frequently than at Family Team Conferences, service plan reviews, dispositional hearings, or permanency hearings. Although the court ordered visit plan will be described at the latter two hearings, court orders may actually be modified whenever the case is in court.

8. If there is no court order concerning visiting, the planning agency, with ACS input as appropriate, has discretion to determine the level of supervision that may be justified by case circumstances. If the reasons for supervised visiting listed below do not exist on a particular case or for an individual visit, visits should be unsupervised. As with any change in the visiting plan, any changes in the level of supervision should be clearly documented in the UCR.

Guidelines for Decision-Making Concerning Supervised Visiting

Reasons Justifying the Application of Supervision

- 1) To ensure the safety of the child;
- 2) To avoid undue influence on the child's potential testimony;
- 3) To permit an appropriate assessment of the case situation so that planning decisions can be made;
- 4) To teach and model new parenting behaviors for parents and provide immediate feedback to parents regarding appropriate responses to children's behaviors;
- 5) To comply with court orders requiring supervised visiting.

ACS Defined Levels of Visiting Supervision (from the highest to the lowest)

- 1) Strictly supervised visiting
- 2) Monitored visiting
- 3) Unsupervised visiting

ACS has established guidelines concerning the levels of supervision -- **strictly supervised**, **monitored**, and **unsupervised** -- which may be applied when one or more of the reasons justifying supervision exists. These levels are defined below.

- **Strictly supervised visiting**

The purpose of strictly supervised visiting is to provide a high level of supervision when one or both of the following reasons apply:

- there is a reasonable basis to believe that the child may be at serious risk;
- there is a reasonable basis to believe that the parent may attempt to interfere with, manipulate, or coerce the child's potential testimony in court.

These visits must be supervised by professional level staff, preferably the assigned case planner or supervisory staff.

Where strict supervision is required, it is the visit supervisor's responsibility to be present during the entire visit, and be able to hear all verbal communications and observe all physical contact between the parent and the child. The visit supervisor will assess the factors listed below under **monitored visiting**, but will also assess:

- the safety of the child, paying close attention to the nature of any physical contact between the parent and the child
- the reaction of the child to any physical contact between the parent and the child
- whether the parent attempts to interfere with, manipulate or coerce the child's potential testimony.

Because of the concern for the child's safety in these cases, the visit supervisor cannot leave the parent and child alone at any time during the visit. Although present at all times, the visit supervisor will generally not interfere in the relationship between the parent and the child at the visit, except in instances where the emotional or physical safety of a child is threatened, or if the parent tries to interfere with the child's potential testimony in Court, or if the parent requests assistance or support.

These visits can take place either at the agency or at alternative visiting sites, so long as strict supervision can be maintained.

- **Monitored visiting**

The purpose of monitored visiting is to provide a lower level of supervision than in strictly supervised visits when one or more of the following reasons apply:

- to ensure the safety of the child when it is felt that parent-child contact presents a low to medium level of risk;
- to serve the function of case assessment, including monitoring case progress and ensuring that visiting plans evolve appropriately
- to teach and model appropriate parenting behaviors, and support the parent in working towards achieving reunification.

During monitored visits, the visit supervisor can come and go, but should observe from a distance, and assess the following factors:

- timeliness of the arrival of parents and children
- greeting between child(ren) and visiting adult
- preparation for the visit made by visiting adult
- proximity of adult and child during visit
- activities during the visit, including level of participation of both parent and child

- indicators of child's level of comfort during visit (child's demeanor, physical contact with parent, excessive requests to leave visit room, crying, etc.)
- parent's ability to establish appropriate boundaries for child's behavior
- separation behaviors of parent and child at visit's end
- children's reaction to the visit (resistant, eager, ambivalent)

Depending on case circumstances, monitored visits may be supervised by other qualified staff or foster parents, but careful assessment of case circumstances and the nature of the relationship between the parent, child, and the person supervising the visit should always be made. This holds true for kinship placements, as well as non-relative foster care. If someone other than the case planner is monitoring the visits, the case planner should periodically monitor a visit in order to stay abreast of case circumstances. Documentation in the progress notes and UCR should include information about the visit supervisor (who, how often, relationship to parent, etc.)

The visit supervisor will generally not interfere in the relationship between the parent and the child at the visit, except in instances where the emotional or physical safety of a child is threatened, or if the parent tries to interfere with the child's potential testimony in court, or if the parent requests assistance or support. It is the visit supervisor's responsibility to remain impartial and to observe and hear the interaction between a parent and child.

Depending on the specific case circumstances and the reason for the application of this level of supervision, the practical meaning and actual arrangements of monitored visits will vary. When the primary function of monitoring is assessment of case progress, the visit plan can include a mixture of monitored and unsupervised visits, and/ or an individual visit may be partially monitored. When considering a change in visiting plan, there should always be a monitored visit (where the case planner is present for at least part of the visit) to ensure that the case planner is up to date on the case circumstances and progress, and that the proposed change in visiting plan is appropriate.

Whenever possible, monitored visits should take place in locations that support and promote the relationship between parent and child. The safety of the child should always be considered when determining appropriate visiting locations.

- Unsupervised visits

When none of the reasons listed above justifying the presence of a visit supervisor exist and are clearly identified in the case record, visits between children and their parents should be unsupervised. Cases with unsupervised visits will still require occasional monitored or partially monitored visits for assessment purposes, and this should be clearly explained to the parent. As stated above, prior to a change in the visiting plan -- including moving to overnight and weekend visits, and to trial discharge -- there should always be a monitored visit (where the case planner is present for at least part of the visit) to assess case progress and circumstances, and ensure that the proposed change is appropriate.

Unsupervised visits should take place in locations that support and promote the parent-child relationship, and that are identified by participating parties as comfortable, supportive, and convenient.

In all cases, ACS attorneys should be contacted for specific questions about any court orders concerning visiting, including modifying court orders, or other concerns related to the issue of visiting.

Contact Information for ACS Division of Legal Services Supervising Attorneys

Borough	Supervising Attorney	Phone #
Bronx	Deborah Abramson	(718) 590-5438
Brooklyn	Paul Savarese	(718) 260-8700
Manhattan	Ray Kimmelman	(212) 274-6750
Queens	Fredda Monn	(718) 262-3400
Staten Island	James O'Hare	(718) 720-2791

New York City Administration for Children's Services
Family Visiting Principles for Children in Foster Care

- 1) Visiting between children in foster care and their family members (particularly parents and siblings) is vital for children's well-being, and healthy growth and development. Visits support the maintenance of family bonds which are critical to a child's ability to develop healthy attachments and maintain important relationships.
- 2) A child's visiting plan should always ensure the safety of the child, and should also be flexible and responsive to the particular case circumstances, paying special attention to addressing the reasons the child entered care.
- 3) A child's visiting plan should be developed by a team including the parent, the child (if over the age of 10), the foster parent, and the case planner. If siblings are separated, the visiting plan should be coordinated to the extent possible, aiming for a single plan for all children when in their best interests.
- 4) The more often and consistently visits occur, the more quickly the parent will make progress towards successful reunification. Therefore, the frequency and length of visits should increase over time, with increasing responsibility being given to the parent to plan visit activities and arrangements in the family's natural environment.
- 5) Visiting plans and arrangements are fluid and should evolve with and respond to the parent's progress towards achieving reunification.
- 6) Visiting plans should always be the result of careful and ongoing case assessment.
- 7) Visiting arrangements should build on parents' strengths and parents should be supported to use visits as an opportunity to:
 - develop an understanding of their child's age, developmental, attachment, and emotional needs;
 - respond appropriately to the child's needs by practicing and enhancing effective parenting skills;
 - address the reasons their children entered foster care;
 - understand a child's sense of time and need for a permanent living arrangement, and realistically assess their own situation and ability to provide such a permanent arrangement in the near future.
- 8) Foster parents, child care workers, and case planners should be trained and supported to understand the importance of visits for children's well-being, as well as the nature of attachment and loss so that they are equipped to understand and respond to children's feelings and behavior before and after visits.

The following chart applies to all children in foster care whose parents' rights have not been terminated by the Court-- this includes children with goals of adoption who are not yet legally freed.

Desired Action	Case Circumstances	Approval required from:	Process	Required Documentation	Notes
Increase Visit Frequency	No Court Order	Agency: <i>approval from at least one level above case planner required</i>	Agency has the authority to increase visit frequency; this includes moving to weekly visits. Moving to overnight and weekend visits requires approval two levels above the case planner . <u>Pre-disposition Article 10 cases:</u> advance notification to ACS attorney required.	Document change in UCR.	ACS must be contacted before moving to trial discharge, and a trial discharge conference must be held. Any existing court orders must be upheld. ACS attorneys should be contacted with any questions.
	With Court Order	Court	Agencies should contact their agency attorneys and return to court to modify the existing court order in order to increase visit frequency. <u>Pre-disposition Article 10 cases:</u> advance notification to ACS attorney required.	The Court Involvement and (Re) Assessment sections of the UCR. Court Action Summary sent to case planner & case manager. A CS-853C form submitted to case manager as notification.	ACS attorneys should be contacted with any questions.
Decrease Level of Supervision	No Court Order	Agency: <i>approval from at least two levels above case planner required</i>	Agency has the authority to decrease level of supervision, including moving to unsupervised visits. <u>Pre-disposition Article 10 cases:</u> advance notification to ACS attorney required.	Document change in UCR .	Any existing court orders must be upheld. ACS attorneys should be contacted with any questions.
	With Court Order	Court	Agencies should contact their agency attorneys and return to court to modify the existing court order in order to decrease level of supervision. <u>Pre-disposition Article 10 cases:</u> advance notification to ACS attorney required.	The Court Involvement and (Re) Assessment sections of the UCR. Court Action Summary sent to case planner & case manager. A CS-853C form must be submitted to case manager as notification.	ACS attorneys should be contacted with any questions.
Decrease Visit Frequency to less than Required Minimum or otherwise Limit Visiting Plan	No Court Order	Court <i>(or written parental agreement, see below)</i>	Agencies should contact their agency attorneys and return to court to change the visiting plan in a direction that decreases, suspends, terminates, or otherwise limits the existing plan to less than the required minimum number of visits. <i>Advance notification to ACS attorneys is required in all cases.</i>	The Court Involvement and (Re) Assessment sections of the UCR. Court Action Summary sent to case planner & case manager. A CS-853C form submitted to case manager as notification <u>on the same day</u> as the decision to move to change (limit) the visiting plan is made.	When it is felt that a visit poses imminent risk for the child, a single visit may be suspended or limited, but ongoing suspension or limiting of the visit plan requires court approval or written parental consent.
		Parent	Agencies may schedule less than the minimum visiting requirement if they receive written consent from the parent.	The signed parental consent agreement must be included in the UCR. A CS-853C form must be submitted to case manager as notification.	If the written consent applies only to a specified timeframe, this agreement is only valid between these dates. When the agreement expires, the agency must either resume the minimum requirements for visits, pursue a court order, or have the parent sign another consent agreement.
	With Court Order	Court	Agencies should contact their agency attorneys and return to court to modify the existing court order in order to decrease visit frequency or otherwise limit the visiting plan. <i>Advance notification to ACS attorneys is required in all cases.</i>	The Court Involvement and (Re) Assessment sections of the UCR. Court Action Summary sent to case planner & case manager. A CS-853C form submitted to case manager as notification <u>on the same day</u> as the decision to move to change (limit) the visiting plan is made.	ACS attorneys should be contacted with any questions.
Resume Visit Arrangement after Court Suspension, Limitation, or Termination of Visits		Court	Agencies should contact their agency attorneys and return to court to modify the existing court order in order to establish and resume visiting arrangements. <i>Advance notification to ACS attorneys is required in all cases.</i>	The Court Involvement and (Re) Assessment sections of the UCR. Court Action Summary sent to case planner & case manager. A CS-853C form must be submitted to case manager as notification.	ACS attorneys should be contacted with any questions.